

AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners
FROM: Diane Lyon, City Clerk
DATE: March 30, 2023
RE: *Communications

For the Agenda of April 3, 2023

***Note: This is a Consent Agenda item and is considered as routine by the City Commission. As such, this matter shall be automatically enacted by one motion with all other Consent Agenda items unless a Commissioner or citizen requests this item be individually discussed, in which event it shall be removed from the Consent Agenda and considered and acted upon in its designated sequence on the approved Clare City Commission agenda of April 3, 2023.**

FOIA Requests & Responses: The most recent FOIA requests and responses are attached for information: Lynn Patterson.

Clare County Food Distribution: A free drive-thru mobile food distribution will take place on Saturday, April 1, 2023, from 9 am – 11:30 am, at Clare County Transit Corporation in Harrison, MI.

Drive-Thru Mobile Food Distribution Sites: A list of the March 2023 drive-thru mobile food distribution dates, times, and sites is being provided at this time.

Training Requests: Ken Hibl and Cheryl Yesney have submitted requests to attend training events.

Letter to Michigan Supreme Court: We were notified by the City Attorney that the Michigan Supreme Court is considering a change to the MI Court Rules, that would remove an important process that protects governmental units who are sued, and defend with governmental immunity. Currently, the court rule allows the municipality to take an appeal, directly, after an adverse ruling on governmental immunity. If the rule is changed, that will not be possible, and the community would be forced to take the matter through the entire litigation process, and appeal that ruling, after a trial. Comments regarding this change were due by 3/31/23, thus, I provided a letter opposing the proposed amendment of MCR 7.202 and 7.209.

Site Plans, Special Use Permits, Variance Requests & Public Notices:
-public notice for Heavy Equipment Operator

Attachments. As noted above.



Where the north begins at the crossroads of Rt 10 and 127.

202 West Fifth Street, Clare, Michigan 48617
www.cityofclare.org
phone: (989) 386-7541 fax: (989) 386-4508

March 8, 2023

DENIAL OF REQUEST FOR PUBLIC RECORD

Lynn Patterson
88 Meadowlark Dr.
Ionia, MI 48846

Tel: (616) 755-0433
l.m.patterson0711@gmail.com

RE: **FOIA Request #2023-017 via email dated 03/15/2023 for: An incident report involving William Conn and child pornographic material.**

X Your request as described is denied because it does not exist under information. The City has no complaints involving Mr. Conn with child pornographic material. The police department left a message for you to contact them. If you are seeking other information please contact them at (989) 424-4076.

NOTICE: This correspondence constitutes a certification that the public records, as indicated, do not exist. You have the right to appeal this denial to the City Manager in writing that specifically states the word "APPEAL" and indicates the reason or reasons for reversal of the denial, or seek judicial review in the Circuit Court within 180 days of a final determination to deny a request. If the Court determines a public record is not exempt from disclosure, it shall order its release or production. The burden of proof in Court is on the public body. If the Court determines that the public body has been arbitrary and capricious in not disclosing a public record, it may award, in addition to actual and compensatory damages, punitive damages not exceeding \$500.00

The City of Clare's FOIA Procedures and Guidelines and Summary are available for review on our website at www.cityofclare.org.

If your FOIA request has been denied in whole or in part, you may do one of the following at your option:

- (1) Commence an action in the circuit court to compel disclosure of the public records or information within 180 days after the governmental unit's final determination to deny your request. If the circuit court orders disclosure of all or a portion of the public record or information, you have the right to receive reasonable attorney's fees, costs, and disbursements. If the circuit court determines that the governmental unit arbitrarily and capriciously denied your request, you also have the right to receive punitive damages in the amount of \$500.00. Please see MCL 12.231 *et seq.* for further information on the Freedom of Information Act.
- (2) Submit to the City Manager a written appeal that specifically states the word "**appeal**" and identifies the reason(s) for reversal of the denial. Your appeal should be sent to City of Clare – City Manager, 202 West Fifth Street, Clare, MI 48617-1490.

A copy of this request will be kept on file for no less than one (1) year.

FOIA Coordinator or Authorized Representative

March 23, 2023
Date Denial Approved

The City of Clare is an Equal Opportunity Provider and Employer





Free Drive-Through Mobile Food Distribution

Saturday, April 1, 2023

Registration: 9 a.m. for vehicles to line up

Distribution: from 10:00 a.m. until at least 11:30 a.m.

Clare County Transit Corporation (CCTC)

1473 Transportation Dr., Harrison, MI 48625

Participation Details

- When waiting in line in your vehicle, please do not block any driveways.
- Food will be placed in your trunk/hatchback, so ***please make room in advance for a couple of large boxes of food and also bring empty boxes or baskets for additional food.***
- Stay in your vehicle for registration and food distribution.
- Restrooms will ***not*** be available.
- Only one household should travel together in a vehicle.
- If you do not have access to a vehicle, are experiencing symptoms of COVID-19, or are feeling ill, please stay home & arrange for someone to pick up your food.
- All in need of food or in financial hardship are welcome to participate.

See Community Nutrition Network-Clare County on Facebook and the community calendars in the Clare County Cleaver and the Clare County Review for reminders. You can also call the Greater Lansing Food Bank at 517.908.3680 for more information.

This month's food distribution is conducted in partnership with the Greater Lansing Food Bank and is coordinated by the all volunteer Community Nutrition Network.

Mark your calendar - Community Nutrition Network's upcoming 2023 monthly, Saturday food distributions: May 6, Jun. 3, Jul. 8, August 5, Sep. 9, Oct. 7, Nov. 4, and Dec. 2. ***Starting on May 6th, we will be back at the Clare County Fairgrounds.***

DRIVE-THRU MOBILE FOOD DISTRIBUTIONS

Serving the mid-Michigan counties of Clare, Clinton,
Eaton, Gratiot, Ingham, Isabella and Shiawassee



MARCH 2023

Wednesday, Mar. 1
5:30 – 7:30 p.m.

Tabernacle of David
2645 W. Holmes Rd.
Lansing, MI 48911

Tuesday, Mar. 7
3 – 5 p.m.

YMCA
515 W. Main St.
Owosso, MI 48867

Saturday, Mar. 11
9 – 11 a.m.

Olivet Baptist Church
5455 Willoughby Rd.
Lansing, MI 48911

Saturday, Mar. 18
9 – 11 a.m.

City of Lansing @
Cristo Rey Catholic Church
201 W. Miller Rd.
Lansing, MI 48911

Saturday, Mar. 25
9 – 11 a.m.

Immanuel Community Reformed
3200 Delta River Dr.
Lansing, MI 48906

Friday, Mar. 3
Noon – 2 p.m.

Robinson Memorial Church
509 Charles St.
Lansing, MI 48912

Wednesday, Mar. 8
1 – 3 p.m.

Bethlehem Lutheran Church
549 E. Mt. Hope
Lansing, MI 48910

Tuesday, Mar. 14
3 – 5 p.m.

East Washington Church
8051 S. Crapo Rd.
Ashley, MI 48806

Saturday, Mar. 18
10 a.m. – Noon

Black Elk Bldg. Parking Lot
7500 Soaring Eagle Blvd.
Mt. Pleasant, MI 48858

Friday, Mar. 31
10 a.m. – Noon

MyMichigan Medical Center
4851 E. Pickard St.
Mt. Pleasant, MI

Saturday, Mar. 4
10:30 a.m. – Noon

Clare County Transit
1473 Transportation Dr.
Harrison, MI 48625

Thursday, Mar. 9
8 – 9 a.m.

Bath Community Center
5959 Park Lake Rd.
Bath, MI 48808 (mask optional)

Thursday, Mar. 16
2:30 – 3:30 p.m.

New Mt. Calvary Baptist Church
3800 W. Miller Rd.
Lansing, MI 48911

Thursday, Mar. 23
3:30 – 5 p.m.

University Lutheran Church
1020 S. Harrison Rd.
East Lansing, MI 48823

You may attend the distribution that is most convenient for you.

NOTE: Distributions may end sooner than published time if food runs out.

For more information visit [GLFoodBank.org](https://www.glfdb.org) or by calling **517.449.0360** or **517.899.9457**

This institution is an equal opportunity provider.

Clearly another way of life.



CITY OF CLARE
Professional Development Training Request

Today's Date: March 27, 2023

Your Name & Title: Ken Hibl, Planning Commissioner

Name of Training Event: Planning and Zoning Essentials Training

Location of Training Event: Harrison City Hall, 2105 Sullivan Dr., Harrison MI

Date(s) & Times of Training Event: Saturday, April 8, 2023, 9am-1:30pm

If you are required to sign up for break-out sessions, which break-out sessions & times would you like to attend:

Do you have and special food requirements (if the event is serving food)?

Will you need a city vehicle to attend this event? Yes No
(If the answer is no, a mileage reimbursement form will be provided)

Will you need overnight accommodations? Yes No

Do you have special needs regarding accommodations? N/A

Please return this completed form to: Diane Lyon, City Clerk
202 W. Fifth St.
Clare, MI 48617
Or you may email the form to: dlyon@cityofclare.gov

Planning and Zoning Essentials Training



American Planning
Association
Michigan Chapter

Saturday

April 08, 2023

9:00am to 1:30pm at

Harrison City Hall

2105 Sullivan Dr

Harrison, MI 48625



TRAINING COVERS:

- Public Hearing Procedures
- Site Plan Review
- Master Planning
- Zoning Ordinances
- Variances
- Effective Decision Making
- Determining Practical Difficulty

The cost of the class is \$50.00 per person. Checks should be made payable to the City of Harrison.

REGISTER BY:

March 27, 2023

To register for this class please call
Harrison City Hall at 989.539.7145 or
email:

manager@CityofHarrison-MI.Gov

Clearly another way of life.



CITY OF CLARE
Professional Development Training Request

Today's Date: 3-28-2023_____

Your Name & Title: Cheryl Yesney_____

Name of Training Event: ZBA Online MSUE Training_____

Location of Training Event: Self-paced study_____

Date(s) & Times of Training Event: Self-paced study_____

If you are required to sign up for break-out sessions, which break-out sessions & times would you like to attend:

Do you have and special food requirements (if the event is serving food)?

N/a

Will you need a city vehicle to attend this event? Yes No
(If the answer is no, a mileage reimbursement form will be provided)

Will you need overnight accommodations? Yes No

Do you have special needs regarding accommodations? No _____

Please return this completed form to: Diane Lyon, City Clerk
202 W. Fifth St.
Clare, MI 48617
Or you may email the form to: dlyon@cityofclare.gov

ZBA ONLINE CERTIFICATE COURSE



A NEW MSU EXTENSION SELF-PACED TRAINING

The ZBA Online course is a unique and comprehensive Zoning Board of Appeals (ZBA) training designed to accommodate your schedule. The course includes six self-paced modules engaging the learner with videos, readings, and activities. Complete one module to meet a specific training need or take the full course to obtain a certificate. ZBA Online includes:

- Understanding Basic ZBA Roles & Responsibilities
- Effective Decisions and Ordinance Interpretations
- Hearing Appeals of Administrative Decisions
- Issuing Variances from Ordinance Standards
- Other Responsibilities of the ZBA: Nonconformities
- Circuit Court Review and Standards

Introductory Price: \$75 (Regularly \$125)

CRITICAL TRAINING FOR ZBA MEMBERS AND STAFF

The ZBA Online Certificate Course is designed for members of the local government ZBA, local government staff who work alongside the ZBA, and local government managers and attorneys.

The course is based in MSU's Desire to Learn (D2L) online learning platform and can be accessed 24/7 - individuals can do as much or as little at one time as fits their schedule. Connect with computer, tablet, or mobile.

The ZBA Online Certificate Course teaches the latest concepts on ZBA roles and responsibilities, effective decision-making, and protecting due process. The curriculum is based on the award-winning Citizen Planner Program and features ZBA-specific content, engaging activities, case studies, and the latest Michigan case law. Course completion includes an MSU Extension certificate.

To learn more or register, visit:
<http://extension.msu.edu/zbaonline>

Questions, contact the:
Citizen Planner Program
Email: cplanner@msu.edu
Phone: 517-353-6472

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March 28, 2023

Mr. Larry Royster
Chief of Staff / Clerk of the Court
Michigan Supreme Court
Lansing, MI 48909

Re: Proposed Amendment of MCR 7.202 and MCR 7.209

Dear Mr. Royster:

As the City Clerk of the City of Clare, Michigan, I am writing to oppose changes to the appellate court rules that would remove interlocutory appeal for determination of governmental immunity.

The social costs of this change can't be overstated. Every taxpayer dollar spent defending a case that shouldn't have proceeded through trial and appeal (or settling it) is a dollar not spent on critical infrastructure, on public health, on parks, on libraries, or on public safety—all the things that make the exercise of self-government possible and worthwhile. This Court struck the right balance between the interests of those injured by governmental action and the interests of the public as a whole in 2001, and local municipalities in particular need to be able to rely on some consistency in the rules governing their actions on behalf of their citizens.

I urge the Court to leave the current version of the immunity rules in place.

Sincerely,

Diane M. Lyon
Clare City Clerk

**CITY OF CLARE JOB POSTING
HEAVY EQUIPMENT OPERATOR**

The City of Clare is accepting applications for the position of Heavy Equipment Operator in the Public Works Department. The primary responsibilities of the individual filling this position will be to complete work related to the Lake Shamrock Dredging & Dam Spillway project. This position will also operate equipment used in all seasons for the completion, repair, and maintenance work on all city properties, streets, sidewalks, and ROWs; maintenance of water, wastewater, and stormwater distribution systems; facilities maintenance & repairs; and other duties as directed by city management. This position requires a minimum of five years of experience using a hydraulic excavator; good computer skills; familiarity with the use and operation of GPS systems; the ability to read, write, and perform basic mathematical calculations; and to possess a valid Class A or B CDL. The hours of work for this position are subject to variable scheduling. A detailed job description with desired qualifications, and wage & benefits information for this position is available on the city's website: www.cityofclare.gov, or by contacting the Department of Public Works Supervisor at lpotter@cityofclare.org. Interested applicants may complete an employment application on the city's website or submit a resume to:

Heavy Equipment Operator
Attn: DPW Director
City of Clare
202 W. Fifth Street
Clare, MI 48617

Applications will be accepted until 10:00 a.m. on Monday, April 10, 2023. The City of Clare is an equal opportunity provider and employer.